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REQUIREMENTS

- A. Safeguard information about applicants and customers, keeping it confidential unless disclosure of the information is specifically permitted
 1. Local departments must have written procedures for maintenance of case files and the removal and return of information to case files
 2. Safeguard information from other state or federal agencies in accordance with procedures established by the local department or the State
 3. When information can be disclosed, the individual receiving the information must also agree to keep it confidential and use the information only for the intended purpose
 4. When information cannot be disclosed, the local department or State agency cannot acknowledge whether any records exist or whether the individual is known to the agency
- B. The case manager gets the consent of the applicant or customer to request verification from an outside source, unless it is needed for administrative purposes such as fraud or overpayment documentation
 1. Inform the applicant ,orally and with specific review of **Form 9707**, that a signature on the application:
 - Includes consent for the local department to obtain information from other sources
 - Allows the local department to use social security numbers to match the records of other agencies, organizations, and businesses
 2. Limit all requests for information to those which are needed to determine eligibility

Note: Some agencies, businesses, and organizations may require a consent form specific to themselves before releasing information. When this occurs, obtain the customer's specific written consent or refer the individual to the outside source to give consent.

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INFORMATION RELEASE WITHOUT CONSENT

- A. Information may be released without the individual's consent in the following circumstances:
1. There is a court order
 - A subpoena is not a court order
 - If a subpoena is received:
 - a. Contact the local department's attorney, or if not available, DHR's Office of the Attorney General at 410-767-7726
 - b. The attorney will:
 - Determine if Article § 88A , Annotated Code of Maryland, allows disclosure without a court order
 - Call the courts and request permission not to comply
 - Request a court order if required
 - Advise Family Investment staff of the decision and any required actions
 2. Local, State, or Federal officials are pursuing an investigation of any program violation
 3. Local, State, or Federal officials or employees require the information for the administration of the program
 4. A volunteer or contractor of a State or Federal agency, who has signed a written agreement to abide by State and Federal confidentiality laws and regulations, requires the information for administration of the program
 5. A Federal, State or local law enforcement officer presents the name and social security number of a fugitive felon along with an arrest warrant that establishes the individual as a fugitive felon
 - A fugitive felon is an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempted crime that is a felony or is in violation of probation or parole
 - If an active TCA case file contains a customer with the same name and Social Security number, give the address to the police officer

Note: According to Food Stamp policy, the current address, Social Security number and photograph, if available, is released to a law enforcement officer who passes the following test

- Is identified as engaged in official duties that include locating or arresting a member of the food stamp household
- Provides the name of the food stamp household member
- Demonstrates that the household member is a fugitive felon or has information concerning a fugitive felon

When a customer receives both TCA and Food Stamps, apply the test for both programs and provide the information.

6. Researchers have received permission from the Family Investment Administration to obtain non-identifying information
- B. In other situations, obtain the customer's consent to release information that can be disclosed under State law or regulations, except that in an emergency:
1. The information can be disclosed without prior consent as long as the customer is notified of the disclosure orally or in writing
 2. The notification to the customer is made within 2 working days

INFORMATION RELEASE WITH CONSENT

- A. To release identifying information to researchers:
1. Customer consent is required
 2. The research project is approved by the Family Investment Administration
 - The local department will receive written approval for the project from FIA
- B. A customer may consent to the disclosure of specific information to a third party if the request:
1. Is in writing and signed and dated
 2. Specifies the information to be disclosed
 3. Specifies the person or agency to receive the information
 4. Specifies the purpose for the disclosure
- C. Applicants and customers who are 16 years old or older may sign the consent

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APPEALS – RECORD ACCESS

- A. Customers have the right to examine their case records in the local department
 - Includes individuals designated by the customer to represent him or her during the appeal process
- B. The local department is only obligated to allow access to information pertinent to the appeal and is required to protect all confidential information from exposure
- C. A representative of the local department should be present while the case record is being examined

CASE MANAGEMENT TIPS

- A. The official custodian of case records is the executive head of the Department of Human Resources, an Administration, or a local department
- B. Follow local department procedures when requests are made for information**

EXAMPLES

- Example 1. After many years, John Smith, father of 10-year-old Joseph Smith, is located. He thought his ex-wife's new husband had adopted Joseph. Since he has now discovered that is not the case, he wants to be reunited with his son and would like the address.
- The local department may not give Joseph's address to Mr. Smith
 - Mr. Smith could allow the local department to give his address to Joseph's mother
- Example 2. Mary Martin requests the local department to give her prospective landlord proof of her benefits. The landlord wants the proof sent directly from the local department.
- The information may be released with a written consent

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Example 3. Nancy Nelson fails to respond to letters concerning possible unreported earnings and the case is closed. The case manager wants to call the employer to get the earnings since the wages are not showing up on wage screens.

- The case manager can contact the employer since the purpose is to aid in the administration of the program by determining if there is fraud or overpayments
- If the employer wants a consent written specifically for their company and will not release information without it, refer the customer's case for investigation

Example 4. John Sheriff comes to the local department with a subpoena for the case manager to appear in court with the case record of Hannah Hardcastle. Mr. Hardcastle is filing for divorce

- Contact the local department attorney or DHR's Attorney General immediately for guidance
- The information probably cannot be released because it is not directly related to the administration of the TCA program or an investigation of program fraud

Example 5. Larry Lawman comes to the local department with a warrant for the arrest of Tammy Trestle. The warrant states that Ms. Trestle is a fugitive since being found guilty of murder. Officer Lawman provides his own identification along with Ms. Trestle's social security number.

- Ms. Trestle's address is given to Officer Lawman because Ms. Trestle is a fugitive felon

Example 6. Sam Statetrooper comes to the local department with a court order for a local department representative to appear in court with Sandra Sandford's case record.

- Contact the local department attorney or DHR's Attorney General immediately for guidance